

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MANUEL PEDRO "PETE" GABALDON, et al.,

Plaintiffs,

vs.

Civ. No. 97-817 LH/WWD

DEBBIE JARAMILLO, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendants' Motion to Exclude Plaintiffs' Expert Witness Dr. Jennifer Johnson [81] filed March 5, 1999. Defendants contend that allowing testimony regarding the mental condition of the sons of Plaintiff Joe Hernandez does not relate to any issue in the lawsuit and that there would be a danger of unfair prejudice and confusion. There is at least the possibility that the condition of the Hernandez children and the deprivation of insurance coverage suffered by Plaintiff Joe Hernandez might be relevant with respect to damages claimed by Plaintiff Joe Hernandez. The better way to determine that would be in the context of the trial rather than attempting to address the question in isolation in a motion in limine. Accordingly, Defendants' Motion to Exclude Plaintiffs' Expert Witness Dr. Jennifer Johnson should be denied.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE